

COPY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMES BENBOW,

Plaintiff,

-against- Civ. No.: 17-CV-6457(EK)(LB)

CITY OF NEW YORK; POLICE OFFICER BRIAN W.  
FEELEY; POLICE OFFICER MATTHEW J. ROSIELLO;  
POLICE OFFICER KENNETH L. ANDERSON; SERGEANT  
WILLIAM A. DAIB; POLICE OFFICER SHANIEL J.  
MITCHELL; and POLICE OFFICER STEPHEN J. MINUCCI,

Defendants.

----- X  
VIDEOCONFERENCE VIA ZOOM  
Conducted by:  
LEX REPORTING SERVICE  
160 Broadway  
New York, New York

November 19, 2020  
10:06 a.m.

**DEPOSITION of DETECTIVE STEPHEN T.**

**MINUCCI**, named herein as **POLICE OFFICER STEPHEN  
J. MINUCCI**, a Defendant in the above-entitled  
action, held remotely via Zoom videoconference,  
pursuant to Order, taken before Tania C.  
Pedrosa, a shorthand reporter and Notary Public  
within and for the State of New York.

LEX#160688-A



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A p p e a r a n c e s :

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BY: JOSHUA A. WEINER, ESQ.  
FILE No.: 2017-066702

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED  
by and between the attorneys for the  
respective parties herein, that filing,  
sealing and certification be and the  
same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the  
form of the question shall be reserved  
to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed  
and sworn to before any officer  
authorized to administer an oath, with  
the same force and effect as if signed  
and sworn to before the Court.

THE REPORTER: This deposition is being conducted via Zoom videoconferencing. All parties present are appearing remotely and are confirming that they can hear and see through the video without any technical issues.

Would counsel and the witness please confirm.

MR. ABOUSHI: Confirmed.

MR. WEINER: Confirmed.

THE WITNESS: Yes, confirmed.

THE REPORTER: Before I swear in the witness, I will ask counsel to stipulate on the record that due to the national emergency pandemic, the court reporter may swear in the deponent even though they are not in the physical presence of the deponent, and that there is no objection to that at this time,

nor will there be an objection to  
it at a future date.

MR. WEINER: Yes,  
stipulated.

MR. ABOUSHI: Yes, agreed.

THE REPORTER: And, Counsel,  
can you represent that to the  
best of your knowledge and  
belief, the witness appearing  
today via videoconference is  
indeed Police Officer Stephen  
Minucci?

MR. WEINER: Yes.

S T E P H E N T. M I N U C C I, the witness  
herein via videoconference, having  
first been duly sworn by a Notary  
Public of the State of New York, was  
examined and testified as follows:

EXAMINATION BY

MR. ABOUSHI:

Q State your name for the record,  
please.

A Stephen T. Minucci.

Q State your address for the

S. T. Minucci

89

A Sergeant Diab and myself exit roughly at the same time -- Sergeant Diab maybe a second before.

Q Okay. And what happened after you guys got out of the vehicle?

A Someone identified -- I believe it was Sergeant Diab or Officer Mitchell -- I don't remember who -- identified ourselves as police and began to approach the individual. The individual, who we later learned was Mr. Benbow, began to run back from the direction he came. The second individual stayed put.

Q Okay. And what did you do?

A First, I was observing -- I -- I kept an eye on the first individual -- the second individual who stayed at the location -- who stayed on the spot.

Q Was that Mr. Bradley?

A I believe so. Not Mr. Benbow.

Q Okay. So --

A Mr. Benbow was --

Q Okay. So you get out of the vehicle and you approach Mr. Benbow and

1 S. T. Minucci 90

2 Mr. Bradley and Mr. Benbow turns around and

3 runs in the opposite direction, correct?

4 A Correct.

5 Q Does he confront you?

6 A Does he confront me?

7 Q Yes.

8 A Mr. Benbow?

9 Q Does Mr. Benbow confront you?

10 A No.

11 Q Does he point a gun at you?

12 A No, he doesn't point a gun at me.

13 Q Does he point a gun at Sergeant

14 Diab?

15 A No.

16 Q Does he point a gun at Officer

17 Mitchell?

18 A No.

19 Q Did you see him point a gun at

20 any officer that night?

21 A Yes.

22 Q You saw him point a gun at an

23 officer?

24 A I'm sorry. I apologize. No, I

25 did not see him pointing a gun. When I

1 S. T. Minucci 94

2 yelled "gun" that -- but I know it was one of  
3 the officers at the time.

4 Q How do you know it was one of the  
5 officers?

6 A At the time I recognized it as  
7 one of their voices.

8 Q Was it someone in your car?

9 A No.

10 Q Okay. So your testimony is you  
11 recognized the voice of one of the three  
12 other officers in the conditions team yelling  
13 "gun" in the midst of this situation?

14 MR. ABOUSHI: He's frozen  
15 again.

16 MR. WEINER: Yeah.

17 A I'm back. I'm back. I'm back.  
18 Can you hear me?

19 MR. WEINER: Yeah.

20 Q So your testimony is that in the  
21 midst of this situation, you recognized the  
22 voice of someone on the conditions team  
23 yelling "gun?"

24 A Yes.

25 Q Okay. And your testimony is you



S. T. Minucci

98

Q Okay. And could you tell where he was shot?

A No. At the time I couldn't see exactly where.

Q At some point did you learn where he was shot?

A I may have.

Q And where was he shot?

A I -- actually, to be honest with you, I don't remember where he was shot.

Q Did you tell him he was under arrest?

A I don't remember specifically saying that to him.

Q Did you use any force that night?

A Did I use any force?

Q Yes.

A I handcuffed Mr. Benbow.

Q Okay. Is that considered use of force?

A Yes, it is.

Q Okay. Did you shoot your weapon at Mr. Benbow?

A No.

1 S. T. Minucci 99

2 Q So you walked over to Mr. Benbow  
3 after he was shot and you handcuffed him,  
4 correct?

5 A Correct.

6 Q Approximately how far away was he  
7 from you when you observed him get shot in  
8 the street?

9 MR. WEINER: Objection.

10 A I couldn't say specifically,  
11 maybe 20 or 30 feet.

12 Q Was there anything between you  
13 and Mr. Benbow in that 20 or 30 feet?

14 A You mean as in between my line of  
15 sight?

16 Q Line of sight or obstacle or  
17 something else.

18 A No, not to my recollection.

19 Q When Mr. Benbow was shot, did you  
20 know who had discharged their weapon --

21 A No.

22 Q -- which one of the officers?

23 A No, I did not.

24 Q Okay. Did any bullets come in  
25 your direction?

S. T. Minucci

125

A Yes.

Q Okay. You said that -- you testified that you had heard gunshots?

A Yes.

Q Okay. How many gunshots do you recall hearing?

A I don't remember how many I heard.

Q Was it more than one?

A Yes.

Q Okay. Do you remember how much time transpired between the first gunshot you heard and the final gunshot that you heard?

A Seconds.

Q Seconds, okay.

A Yes, seconds.

Q All right. Finally, you got -- you were asked some -- you were asked some questions about whether this incident had ever been investigated.

Do you recall those questions?

A Yes.

Q Okay. Do you recall -- do you know if CCRB has ever investigated this